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MS Amendment
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P.O. Box 1450
Alexandria, VA 22313-1450

on February 27, 2009
Date

/Peter C. Lauro/

Signature

Peter C. Lauro, Esq.

Typed or printed name of person signing Certificate

32,360

Registration Number, if applicable

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Telephone Number

Note: Each paper must have its own certificate of mailing.

Second Request for Corrected Filing Receipt (1 page)

Copy of Updated Filing Receipt (3 pages)

Copy of Decision on Petition Under 37 CFR 1.182 (2 pages)

Updated Application Data Sheet (5 pages)



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/554,038	10/19/2005	1614	1415	59756CON(49949)	49	1

CONFIRMATION NO. 8321

UPDATED FILING RECEIPT



0000000031231981

21874
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

Date Mailed: 07/30/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Luciano Adorini, Milan, ITALY;
Giuseppe Penna, Cusano Milanino, ITALY;
Milan R. Uskokovic, Upper Montclair, NJ;
Hubert Maehr, Wayne, NJ;

Assignment For Published Patent Application

BioXell S.p.A., Milan, ITALY

Power of Attorney: The patent practitioners associated with Customer Number 21874

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 05/08/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/554,038**

Projected Publication Date: 11/06/2008

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

GEMINI VITAMIN D3 COMPOUNDS AND METHODS OF USE THEREOF

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Luciano Adorini, *et al.*

Application No.: 10/554,038

Confirmation No.: 8321

Filed: October 19, 2005

Art Unit: N/A

For: *GEMINI VITAMIN D3 COMPOUNDS AND
METHODS OF USE THEREOF*

Examiner: Not Yet Assigned

SECOND REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam or Sir:

Applicants hereby request that a corrected Filing Receipt be issued in the above-identified patent application. The Updated Filing Receipt (copy attached) issued by the Patent Office does not identify the Domestic Priority data as established by the **GRANTED** Decision on Petition Under 37 C.F.R. §1.182, dated July 13, 2006, (copy attached) in response Applicants' Petition to Treat Application as Filed Under 35 U.S.C. § 111(a) Pursuant to 37 C.F.R. §1.182, filed on April 25, 2006. The Decision on Petition indicates that materials assigned U.S. application number 10/554,038 will be treated as a continuation of PCT/US04/13703 filed under 35 U.S.C. 111(a) filed October 19, 2005.

Applicants further submit an updated Application Data Sheet identifying the Domestic Priority as established by the aforementioned Decision on Petition Under 37 CFR 1.182. Applicants respectfully request that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect this correction.

Dated: February 27, 2009

Respectfully submitted,

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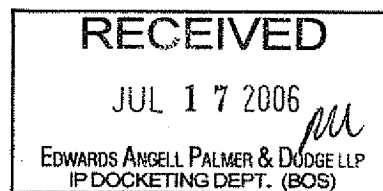
PCL/MDR/DDK 59756 DIV1 (49949)
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13 JUL 2006



In re Application of:
ADORINI, Lucian, et al.
U.S. App. No.: 10/554,038
Filing Date: October 19, 2005
Attorney Docket No.: 59756DIV1(49949)
For: GEMINI VITAMIN D3 COMPOUNDS
AND METHODS OF USE THEREOF

DECISION ON PETITION UNDER
37 CFR 1.182

This decision is issued in response to applicants' "Petition To Treat Application As Filed Under 35 U.S.C. 111(a) Pursuant To 37 CFR 1.182" filed April 25, 2006. Deposit Account No. 04-1105 will be charged the required petition fee.

BACKGROUND

On April 30, 2004, applicants filed international application PCT/US04/13703. The application claimed a priority date of April 30, 2003 and designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., October 30, 2005.

On October 19, 2005, applicants filed a Transmittal Letter requesting entry into the national stage in the United States for PCT/US04/13703. This submission, which included, among other materials, payment of the basic national fee, an Application Data Sheet (ADS), and a preliminary amendment, was assigned U.S. application number 10/553,854 and entered into the USPTO system as the national stage of PCT/US04/13703 filed under 35 U.S.C. 371. The attorney docket number was 59756DIV2(49949) (hereinafter "DIV2").

Also on October 19, 2005, applicants filed a second Transmittal Letter requesting entry into the national stage in the United States for PCT/US04/13703. This submission, which included, among other materials, payment of the basic national fee, an ADS, and a preliminary amendment, was assigned U.S. application number 10/554,038. The attorney docket number was 59756DIV1(49949) (hereinafter "DIV1").

Because an international application may have only one U.S. national stage under 35 U.S.C. 371, applicants were contacted by the USPTO and informed that a petition under 37 CFR 1.182 was required if applicants wanted one of the sets of papers filed on October 19, 2005 to be treated as a separate application filed under 35 U.S.C. 111(a).

On April 25 2006, applicants filed the "Petition To Treat Application As Filed Under 35 U.S.C. 111(a) Pursuant To 37 CFR 1.182" considered herein. The petition requests that the materials assigned U.S. application number 10/554,038 (the DIV1 docket number) be treated as a continuation of international application PCT/US04/13703 filed under 35 U.S.C. 111(a), with a filing date of October 19, 2003. The petition also requests that the materials assigned U.S. application number 10/553,854 (the DIV2 docket number) be treated as the U.S. national stage of PCT/US04/13703 filed under 35 U.S.C. 371.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage under 35 U.S.C. 371 have been submitted for international application number PCT/US04/13703 (U.S. application numbers 10/553,854 and 10/554,038). The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers in the U.S. was improper.

Pursuant to applicants' request in the present petition, the materials assigned U.S. application number 10/554,038 (the DIV1 docket number) will be treated as a filing under 35 U.S.C. 111(a), with a filing date of October 19, 2005. The present petition includes a supplemental ADS that contains the continuity reference to the international application required under 37 CFR 1.78. Pursuant to 37 CFR 1.8(b), the continuity reference is considered timely under 37 CFR 1.78(a)(2)(ii); the application can therefore properly be treated as a continuation of the international application without the need for a petition under 37 CFR 1.78(a)(3).


As also requested in the present petition, the materials assigned U.S. application number 10/553,854 (the DIV2 docket number) will be treated as the U.S. national stage of PCT/US04/13703 filed under 35 U.S.C. 371.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED** to the extent that the materials assigned U.S. application number 10/554,038 (the DIV1 docket number) will be treated as a continuation of PCT/US04/13703 filed under 35 U.S.C. 111(a) filed October 19, 2005.

Application number 10/553,854 will continue to be processed as the national stage of PCT/US04/13703 filed under 35 U.S.C. 371.

Application number 10/554,038 is being referred to the Office Of Initial Patent Examination for processing as an application filed under 35 U.S.C. 111(a).


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